Office of the Commissioner for Federal Judicial Affairs Canada

2010-2011

Report on Plans and Priorities

The Honourable R. D. Nicholson, P.C., Q.C., M.P.
Minister of Justice and Attorney General of Canada

Table of Contents

Commissioner's Message

SECTION I – OVERVIEW 1

Raison d'être 2
Responsibilities 2
Strategic Outcome and Program Activity Architecture 3
Planning Summary 3
Contribution of Priorities to Strategic Outcome 4
Risk Analysis 6
Expenditure Profile 9
Voted and Statutory Items displayed in the Main Estimates 9

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME 10

Strategic Outcome 11
Program Activity: Payments Pursuant to the Judges Act 11
Planning Highlights 12
Program Activity: Canadian Judicial Council 12
Planning Highlights 12
Program Activity: Federal Judicial Affairs 13
Planning Highlights 13
Program Activity: Internal Services 14
Results for Canadians 14

SECTION III – SUPPLEMENTARY INFORMATION 15

List of Supplementary Information Tables 16

Commissioner's Message

The Office of the Commissioner for Federal Judicial Affairs Canada (FJA) was created in 1978 to safeguard the independence of the judiciary and to put federally appointed judges at arm's length from the administration of the Department of Justice. It exists to promote the better administration of justice and focuses its efforts on providing a sound support role to the federal judiciary.

The office administers three separate components that are funded from distinct sources. Statutory funding is allocated for the judges' salaries, allowances and annuities and surviving beneficiaries' benefits. Voted appropriations are provided in two separate votes to support the administrative activities of the Office of the Commissioner and the administrative activities of the Canadian Judicial Council.

The Canadian Judicial Council is made up of the Chief Justices, Senior Judges and Associate Chief Justices of Canada. The Council acts independently in the pursuit of its mandate to promote efficiency, uniformity, and accountability, and to improve the quality of judicial service in all superior courts in Canada. The Council is served by a small office and its staff reports to the Commissioner for Federal Judicial Affairs but is accountable to the Chief Justice of Canada in serving the needs of the Council. FJA provides administrative and financial support and advice to the Council in support of its mandate.

The administration of FJA is structured to reflect the distinctiveness of its role in supporting federal judicial activities. Under the Program Activity Architecture, the organization is broken down into three program activities: Payments Pursuant to the *Judges Act*; Canadian Judicial Council; and Federal Judicial Affairs.

These activities strive to meet our priorities of: client services; corporate planning and reporting; information/management systems; and security.

Success in fulfilling these priorities is determined through measurement strategies which assess the level of achievement of key results. FJA prides itself in providing a consistent, high level of service to federally appointed judges.

Claude Provencher, LL.B., MBA
Commissioner

SECTION I – OVERVIEW

Raison d'être

To be recognized for our contribution in preserving Canada's reputation as leader in the field of judicial independence.

Mission Statement

To promote the independence of the federal judiciary in order to maintain the confidence of Canadians in our judicial system.

Responsibilities

Section 73 of the *Judges Act* provides for the establishment of an officer called the Commissioner for Federal Judicial Affairs who shall have the rank and status of a deputy head of a department. Section 74 sets out the duties and functions of the Commissioner.

The Office of the Commissioner:

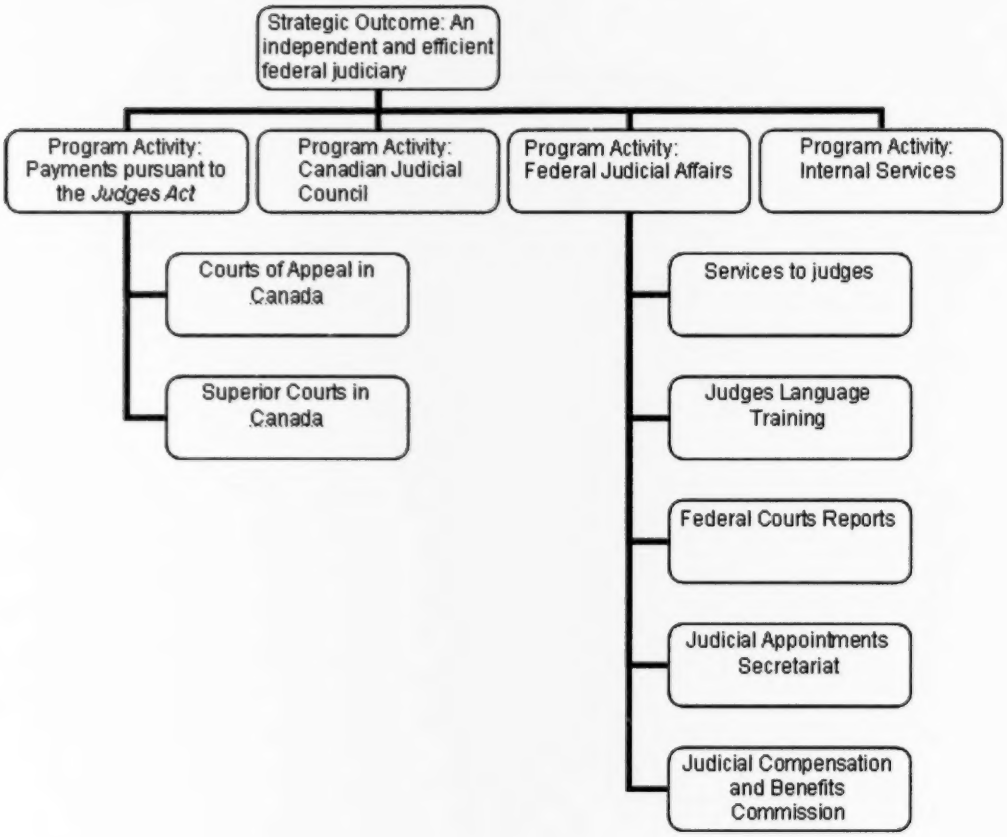
- administers Part I of the *Judges Act* by providing judges of the Federal Court of Appeal, the Federal Court, the Tax Court of Canada and federally appointed judges of provincial and territorial superior courts with salaries, allowances and annuities in accordance with the *Judges Act*;
- prepares budgetary submissions and provides administrative services to the Canadian Judicial Council; and
- undertakes such other missions as the Minister of Justice may require in connection with any matters falling, by law, within the Minister's responsibilities for the proper functioning of the judicial system in Canada.

Strategic Outcome

FJA seeks to deliver high quality services to the Canadian Judiciary in order to support and promote judicial independence. In this regard, FJA contributes to the following strategic outcome:

An independent and efficient federal judiciary.

Strategic Outcome and Program Activity Architecture


Strategic Outcome: An independent and efficient federal judiciary
Program Activity: Payments pursuant to the *Judges Act*
Program Activity: Canadian Judicial Council
Program Activity: Federal Judicial Affairs
Program Activity: Internal Services
Courts of Appeal in Canada
Superior Courts in Canada
Services to judges
Judges Language Training
Federal Courts Reports
Judicial Appointments Secretariat
Judicial Compensation and Benefits Commission

Planning Summary

Financial Resources

2010-2011	2011-2012	2012-2013
$439,461,686	$454,193,186	$453,692,742

Human Resources (Full-Time Equivalents-FTE)

2010-2011	2011-2012	2012-2013
73	73	73

Strategic Outcome: An independent and efficient federal judiciary.

Performance Indicators	Targets
Compliance with service standards	90% compliance with established service standards.
Judges' view on the contribution of the Office to judicial independence	90% of Judges are satisfied with the administration of the judiciary and feel it effectively contributes to their independence.

Program Activity[i]	Forecast Spending 2009-10	Planned Spending			Alignment to Government of Canada Outcomes
		2010-11	2011-12	2012-13	
Payments Pursuant to the *Judges Act*	$422,282,000	$436,839,000	$451,869,000	$452,069,000	Safe and Secure Communities
Canadian Judicial Council	$1,773,206	$1,697,700	$1,698,362	$1,698,362	Safe and Secure Communities Government Affairs
Federal Judicial Affairs	$8,609,382	$7,970,286	$8,181,124	$7,680,362	Safe and Secure World Through International Cooperation. Government Affairs
Internal Services	$870,000	$869,700	$869,700	$869,700	Government Affairs
Total Planned Spending	**$433,534,588**	**$447,376,686**	**$462,618,186**	**$462,317,742**	

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Links to Strategic Outcome	Description
Client Services	Ongoing	SO 1	FJA's primary duty and responsibility is to administer the *Judges Act* and to provide all federally appointed judges with the support services that they require to fully carry out their judicial mandate. By listening to its clients and monitoring the judicial environment, FJA can identify the judges' needs, present and future, and effectively adjust resources and operations to meet them. FJA must also pay special attention to the needs of its other clients, which include; pensioners and survivors, the Minister of Justice and Attorney General of Canada, the Canadian Judicial Council, Parliament, Judicial Appointments Advisory Committee members and judicial candidates, and enhance the quality of existing services when needed and offer new services where feasible.
Management Priorities	**Type**	**Links to Strategic**	**Description**

		Outcome	
Corporate Planning and Reporting	Ongoing	SO 1	In response to recent requirements of the Treasury Board Secretariat, the Corporate Planning initiative has created a formal system of corporate policy development, planning, performance management and program evaluation which integrates Human Resource Planning. By having a formal system for corporate policy development, planning, performance management and program evaluation, FJA is able to ascertain that the services it provides to judges, the Canadian Judicial Council, and to the Minister of Justice are in accordance with established policies and are effective and efficient.
Information/ Management Systems	Ongoing	SO 1	The goal of the Information Management/Systems initiative is to improve and develop information management systems that support business programs and to improve the effectiveness of FJA's management of information, data and knowledge resource holdings. One of the expected benefits is to reduce FJA's heavy reliance on manual processes, and introduce efficiencies through the adoption of automated information transfer mechanisms. This entails the creation of integrated systems to reduce manual processes, eliminate redundant and home grown systems, and facilitate automated information transfer. The design and implementation must follow the systems development approach required in TB procedures and guidelines for the management of information systems projects.
Security	Ongoing	SO 1	The Security initiative aims to create a single point of reference for all aspects of security, including physical security of FJA clients, employees, visitors, facilities, data, information and systems and to ensure FJA is compliant with the Government Security Policy. This initiative entails all current and foreseeable FJA roles and responsibilities for providing security to individuals, information, knowledge, data, systems, equipment, and facilities. The concerns for individual security extend to the security of clients, managers, employees, visitors, partners and suppliers. The range of issues includes FJA strategies, policies, procedures, and protocols, as well as all issues of accountability, responsibility, and authority for all aspects of security.

Risk Analysis

FJA's environment is complex due in part to the small size of its organization, the range of services it provides (compensation, benefits, language training, etc.) and the large number of clients served. FJA is also one of the only organizations in government with the delicate task of regularly interacting with three branches of government: legislative for the administration of the *Judges Act*; judicial for a wide range of services; and the executive with respect to managerial and central agency requirements.
With only 73 employees, the Office serves more than 1,066 judges, 806 pensioners and survivors, 133 Advisory Committee members and between 500 and 600 applicants for judicial appointment. FJA administers a budget in excess of $400 million annually which pays for judges' salaries, allowances and annuities, relocation and travel expenses as well as covering the costs of running the Office (informatics, training, finance, administration and other related expenses). It provides services to judges including language training. It informs the legal community as well as the general public through the publication of the official reports of the decisions of the Federal Court and the Federal Court of Appeal, the *Federal Courts Reports*, thus promoting access to justice and ensuring a permanent record of these decisions. FJA also serves the requirements of the Minister of Justice through the operation of the Judicial Appointments Secretariat which is responsible for assessing candidates who apply for judicial appointment.

Recognizing this context, FJA has developed a risk profile and actively monitors through its management team external and internal risks. Outlined below are the risks FJA identified for the 2010-2011 fiscal year.

External Risks – Workload demand for FJA services are increasing in line with demographic changes in the client base, which brings additional operational demands. Requirements are also increasing for administering the reimbursement of travel and other allowances to federally appointed judges. FJA actively monitored and managed risks related to managing additional workload to ensure judges received timely reimbursement of their salaries, allowances and annuities, in accordance with the Act.
Part of the role of FJA is to provide administrative support to the Canadian Judicial Council (CJC) which has the authority over the work of more than 1066 federally appointed judges. As part of its mandate, CJC receives and investigates complaints against members of the judiciary. The types and volume of complaints have been steadily increasing and accordingly, the resources required for conducting the necessary analysis and review of these files has also been increasing. It is possible that some of these complaints could result in full inquiries which would require substantial resources to ensure that a fair and objective inquiry be undertaken. CJC is also mandated to set policies and provide tools that help the judicial system remain efficient, uniform, and accountable. The resources required to achieve this goal has also increased. There is increased demand on the Council to address various issues of the judiciary.

FJA must comply with the same central agency expectations and requirements (comptrollership, management and accountability systems, etc.) as do larger departments that enjoy core, specialized resources in the fields of planning, communications, human and financial administration and evaluation. Policy requirements add to existing managerial demands and the extra requirements for internal procedure development and alignment of practices that may be

more suitable for a larger department than a small agency. FJA has a small management team and more informal and hands-on day-to-day monitoring and management functions which provides the flexibility and responsiveness required to effectively manage risk in relation to standard processes supporting a client base of federally appointed judges.

Internal Risks – FJA recognizes that it operates within a technology-driven world economy and must meet evolving expectations, including those set by the federal government and the Management Accountability Framework (MAF). The MAF provides a very effective reality check on key areas of risk with respect to information management and technology which are important to the effective administration of service to judges.

From a human resources perspective the principle risk FJA faces is the loss of expertise and corporate memory from the retirement of long-serving experienced staff. As with most government organizations, short and medium-term retirement of managers and staff members may exacerbate the Office's vulnerability. Efforts have been made to develop succession plans including staffing and choice of process. FJA's integrated business and human resources planning process is intended to assess and understand our current and future needs on the human resource management components of recruitment, retention, learning, development, employment equity and official languages.

From a financial perspective, FJA maintains and updates a sophisticated work planning process which defines key initiatives and resource requirements. Financial forecasting and expenditure reporting is actively monitored. Judges are reimbursed their actual and reasonable expenses incurred under the authority of the *Judges Act*. The work schedules are organized by their Chief Justices based on the caseload before the court and accordingly, the Office has no input or control on the scheduling process. Any forecast of expenses incurred by judges is based on historical trends which can result in fluctuations from the amount of actual expenses incurred.

As part of its programs offered to judges, FJA provides language training services. FJA has traditionally made use of the services offered by the Canada School of Public Service for obtaining language training teachers for its sessions offered throughout the year as well as the one-on-one training provided to judges throughout the year. The School has moved to a full cost recovery for these services and accordingly FJA has incurred a substantial increase in the cost of providing the language training program to judges. Efforts were made to obtain additional resources to compensate for this increase in costs but were unsuccessful. A review of the service delivery options for this program will be undertaken as the department will be unable to continue to offer its traditional program with the existing resource levels.

From an operational perspective, FJA faces the challenge/risk of balancing resources for ongoing activities with the requirements of coordinating initiatives related to the involvement of the Canadian judiciary in international Cooperation activities. In 1996, FJA initiated international judicial partnerships fully funded through the Canadian International Development Agency (CIDA). Commencing with Ukraine, partnerships with Russia, Ethiopia, China and other countries quickly followed. The project in the Ukraine is forecast to be completed in December 2010. The other projects have been completed.

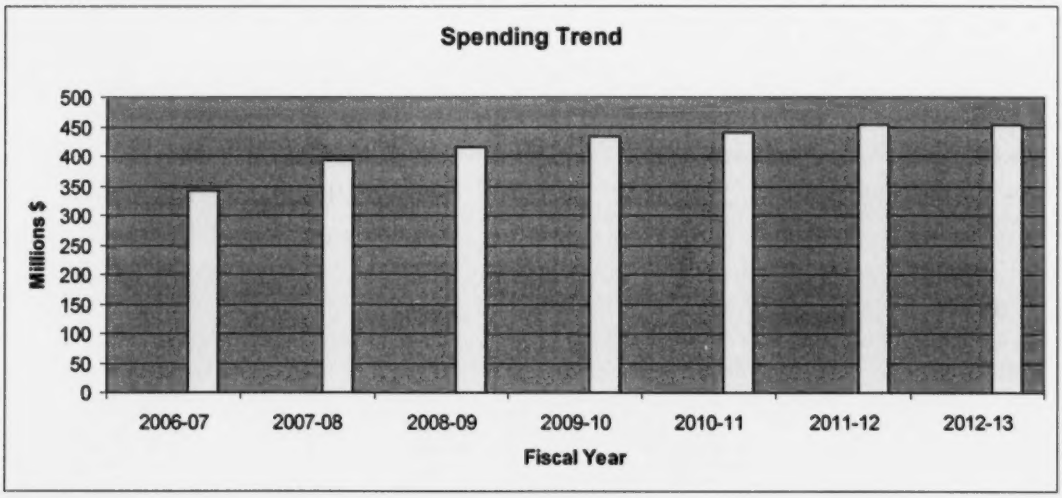
Furthermore, in 2006, in order to ensure that participation by the judiciary in international activities does not compromise judicial independence and impartiality or otherwise bring the administration into disrepute, the CJC adopted a Policy on International Judicial Activities, which placed additional responsibility on the Commissioner. By providing these services, FJA ensures that it is efficiently and effectively meeting its responsibilities to safeguard the independence of the Canadian judiciary.

FJA has submitted proposals for funding to both CIDA and to the Department of Foreign Affairs and International Trade (DFAIT) for multi-year projects. These proposals, if successful, would include projects in Africa, the Americas', and Europe. If these proposals are not successful, the organization would suffer a shortfall in its revenue sources which could have an impact on the department's capacity to continue providing assistance to developing nations.

FJA remains involved in promoting and facilitating participation by members of the Canadian judiciary in a number of international co-operation projects. FJA regularly receives/hosts international delegations to share its core expertise. In addition, FJA continues to cooperate with CIDA, DFAIT, and other government agencies in shaping Canadian government policies toward aid and technical assistance in the field of judicial reform abroad.

Expenditure Profile

Departmental Spending Trend



The total spending for the department shows a continual increase over the planning period. This increase is a result of a provision in the *Judges Act* which allows for an annual increase in salaries to judges based on the Industrial Aggregate.

Voted and Statutory Items displayed in the Main Estimates

Vote or Statutory Item	Truncated Vote or Statutory Wording	**2010-2011 Main Estimates**	2009-2010 Main Estimates
20	Operating expenditures	**8,055,138**	7,503,659
25	Canadian Judicial Council-Operating expenditures	**1,608,450**	1,594,000
(S)	Judges' salaries, allowances and annuities, annuities to spouses and children of judges, and lump sum payments to spouses of judges who die while in office.	**428,924,000**	414,853,000
(S)	Contributions to employee benefit plan	**874,098**	785,002
	Total Department or Agency	**439,461,686**	**424,735,661**

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome

An Independent and Efficient Federal Judiciary.

The following section describes the program activities of the Office of the Commissioner for Federal Judicial Affairs and identifies the expected results, performance indicators and targets for each of them. This section also explains how the department plans on meeting the expected results and presents the financial and non-financial resources that will be dedicated to each program activity.

This section contains a discussion of plans surrounding the following Program Activities:

- Payments pursuant to the *Judges Act*
- Canadian Judicial Council
- Federal Judicial Affairs
- Internal Services

Program Activity: *Payments Pursuant to the Judges Act*

Payments Pursuant to the *Judges Act* **FTEs and Planned Spending**					
2010-11		**2011-12**		**2012-13**	
FTEs	**Planned Spending**	**FTEs**	**Planned Spending**	**FTEs**	**Planned Spending**
0	$436,839,000	0	$451,869,000	0	$452,069,000
Program Activity Expected Results		**Performance Indicators**		**Targets**	
Accurate and timely processing and validation of claims received for reimbursement of expenses in compliance with the *Judges Act* and internal guidelines governing financial management.		Percentage of expense claims processed and validated for entry into tracking system. Percentage of expense claims processed within service standard.		100% of expense claims compliant with *Judges Act* and departmental policies and guidelines. 90% of claims processed within service standard.	
Comprehensive, up-to-date and validated files are kept on all judges and their survivors.		Percentage of judges satisfied with services.		80% of judges satisfied with services.	
Efficient and effective administration of Judges' compensation and benefits programs and processes.		Percentage of compensation and benefits claims processed within service standard.		90% of compensation and benefits claims processed within service standard.	

This program activity provides for the payments of salaries, allowances and annuities to federally appointed judges, and their survivors, in the Superior Trial Courts and Courts of Appeal in Canada.

The number of judges is not included in the FTE count for the Office of the Commissioner for Federal Judicial Affairs . The number of judicial positions is identified in the *Judges Act*. As of January 1, 2010 there were 1,066 federally appointed judges in Canada and there were 806 pensioners receiving a pension pursuant to the *Judges Act*.

Planning Highlights

In order to achieve the expected results, the department will dedicate the required resources to ensure that federally appointed judges are provided with the highest level of service available. A client satisfaction survey was recently completed which has assisted the department in determining and benchmarking the current level of satisfaction of the judges.

Program Activity: *Canadian Judicial Council*

Canadian Judicial Council **FTEs and Planned Spending**					
2010-11		**2011-12**		**2012-13**	
FTEs	**Planned Spending**	**FTEs**	**Planned Spending**	**FTEs**	**Planned Spending**
11	$1,697,700	11	$1,698,362	11	$1,698,362
Program Activity Expected Results		**Performance Indicators**		**Targets**	
Effective functioning of Canadian Judicial Council committees.		Percentage of CJC members satisfied with the administration and support of their committees.		80% of members satisfied with secretariat support provided.	

Provide integrated support (administrative, secretariat, policy and legal research and advice) to the Council in support of its statutory mandate to foster the better administration of justice in Canada and serve as the body that oversees judicial conduct.

The role of the Canadian Judicial Council is to support the Council, its committees and its members in their carrying out of the Council's mandate. Such support includes providing advice, the implementation of decisions taken, and such administrative and executory functions as necessary for the efficient and effective execution of the mandate.

Planning Highlights

In order to achieve the expected results, the department will be reviewing the structure of the secretariat serving the members of the Canadian Judicial Council to ensure that adequate and proper resources are in place. Once the review has been completed, a Treasury Board Submission may be required to deal with the results of this exercise.

Program Activity: *Federal Judicial Affairs*

Federal Judicial Affairs **FTEs and Planned Spending**					
2010-11		**2011-12**		**2012-13**	
FTEs	**Planned Spending**	**FTEs**	**Planned Spending**	**FTEs**	**Planned Spending**
54	$7,970,286	54	$8,181,124	54	$7,680,680
Program Activity Expected Results		**Performance Indicators**		**Targets**	
1. Timely and accurate administration of the Order-in-Council process.		Percentage of Order-in-Councils submissions prepared within service standards.		90% of submissions prepared within service standard.	
2. Access to a trusted and reliable email and collaboration tool.		Percentage of time core system available to users. Percentage of judges satisfied with system.		Core systems available 98% of time on an annual basis. 75% of judges satisfied with system.	
3. Federally appointed judges have access to timely, high-quality, and cost effective language training services.		Waiting time for judges to access training services.		90% of judges have access to language assessment and training services within service standard.	
4. Timely, accurate and bilingual publishing of selected Federal Courts decisions.		Percentage of selected cases published within 10 months of the issuance of the decision. Number of Parts published per year.		90% of selected cases are published within 10 months of the date of issuance of the decision. 12 Parts published per year.	
5. Fair and expeditious administration of the Judicial Appointments process.		Percentage of applications screened and referred to Advisory Committees in a timely manner.		95% of applications reviewed and verified within service standard.	

These FTE's represent employees of the department who are responsible for the day-to-day operations of the department and to provide administrative services to federally appointed judges including language training, publishing of the *Federal Courts Reports*, and services to the Minister of Justice through the Judicial Appointments Secretariat. They also provide support to the judiciary in the areas of finance, human resources, administration and information management.

Planning Highlights

In order to achieve the expected results, a review of the existing Information Management systems will be undertaken with the objective of determining the best way to update the existing systems so that they are using current technologies.

During the course of the planning year, half of the existing Judicial Appointments Committees will have new members. Training of these new members will be undertaken to ensure that they are familiar with the process.

A survey of Federal Courts Reports users is contemplated. The results will be used, *inter alia*, to measure satisfaction with the product, to assess the needs of clients and to plan and deliver service improvements.

Program Activity: Internal Services

Internal Services FTEs and Planned Spending					
2010-11		2011-12		2012-13	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
8	$869,700	8	$869,700	8	$869,700
Program Activity Expected Results		**Performance Indicators**		**Targets**	
1. Resources are allocated and expended in a cost effective manner in accordance with the department's Strategic Plan.		Departmental lapse of resources.		Annual budgetary lapse under 5%.	
2. Department successfully attracts and retains the right people at the right time to meet its current and future business needs.		Percentage of staff and management satisfied with Human Resource Services.		80% of staff and management are satisfied with the Human Resource Services.	
3. A model workplace.		Percentage of staff satisfied with the organization.		80% of staff are satisfied with the organization.	
4. Information technology tools are available to meet departmental needs.		Percentage of time the systems are available to users.		Core systems available 98% of the time on an annual basis.	

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of the organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Material Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across the organization and not to those provided specifically to a program.

Results for Canadians

Under the Canadian Constitution, the judiciary is independent from the executive and legislative branches of government. Judicial independence is intended to ensure that judges make decisions free of influence, based solely on the facts and the law. Once appointed, a judge is eligible to serve on the bench until retirement (age 75 for federally appointed judges). Judges must also receive adequate remuneration in such a manner that does not leave them in a position of dependence or subject to pressure. In Canada, governments cannot change judges' salaries or benefits or remove judges from office without going through an appropriate, independent procedure.

SECTION III – SUPPLEMENTARY INFORMATION

List of Supplementary Information Tables

The following tables can be found on the Treasury Board Secretariat website

Sources of Respendable and Non-respendable Revenue

http://www.tbs-sct.gc.ca/rpp/2010-2011/info/info-eng.asp

Office of the Commissioner for Federal Judicial Affairs Canada
99 Metcalfe Street, 8th Floor
Ottawa, Ontario
K1A 1E3
Telephone: (613) 995-5140
Facsimile: (613) 995-5615

World Wide Web: http://www.fja-cmf.gc.ca